

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
GRLK-P121-US

In Re Application Of: Carlo Neri

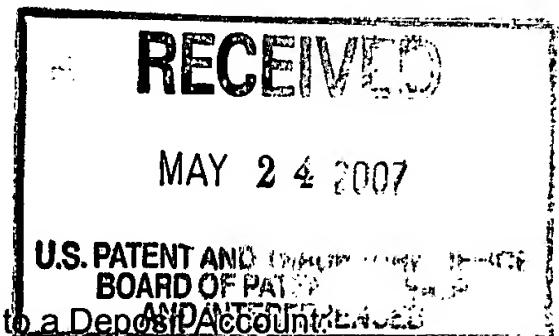
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/692,025	October 19, 2000	Joseph David Anthony	27268	1714	5441

Invention: MIXTURES OF ADDITIVIES FOR ORGANIC POLYMERS IN GRANULAR FORM

COMMISSIONER FOR PATENTS:

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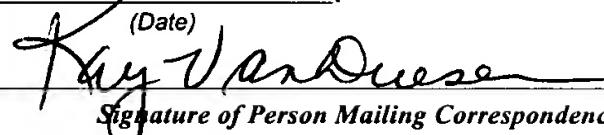
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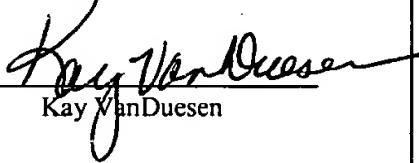
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Applicant : Carlo Neri
Filed : October 19, 2000
TC/A.U. : 1714
Examiner : JOSEPH DAVID ANTHONY
TITLE : MIXTURES OF ADDITIVES
FOR ORGANIC POLYMERS IN
GRANULAR FORM
Docket No. : GRLK-P121-US
Customer No. : 27268
Appeal No. : 2007-0101

REHEARING BRIEF

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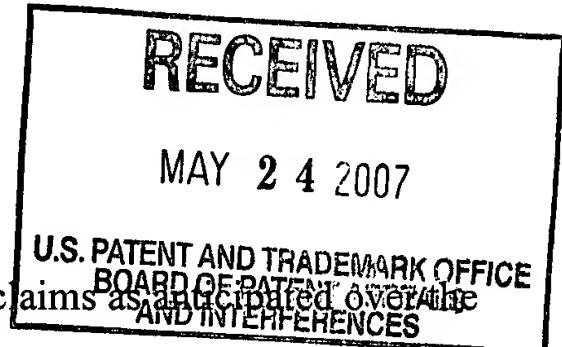
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By: 
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The Decision of this Board affirmed a rejection of pending claims as anticipated over the references US 5,888,254; 4,729,796; and 5,437,688 by a decision dated March 22, 2007.

Applicant traverses the continuing rejection of claims as anticipated pursuant to 35 USC §102(b) and requests rehearing concerning the said rejections.

I. US 5,888,254 as an anticipating reference.

A. Dried Solids of a Solution does not Include a Claimed "Gluing Agent".

The '254 reference discloses a solution made from components of the claims concentrated to dryness. Example 1. As a dried solution, the resulting solid will be substantially homogeneous.

The Board decision of March 22, 2007 cited *In re Thorpe*, 777 F.2d 695, 697, (Fed.Cir., 1985) in support of the doctrine that the patentability of a product does not depend on the manner

in which it is made. However, quoted language in the decision of the Board appears to have been overlooked.

"If the product in a product-by-process claim **is the same as . . .**¹ a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.

The claimed mixture of additives is not "**the same as**" the '254 reference. The claimed mixture is formed by a melt of all or a part of the lowest melting component, which, upon solidifying acts as a gluing agent for the remaining components. It is therefore apparent that the remaining components remain in the physical state as when added to the mixture. Furthermore, a granule formed would disclose regions of higher melting component(s) in a matrix formed by the lowest melting component 'glued' to discrete non-melted component(s), thereby forming a non-homogeneous granule. It is not sufficient to show that prior to processing a product of the prior art may have been made from the same ingredients, or that it is the same state of matter (solid, liquid or gas). An anticipating reference must disclose a product that "is the same as" the claimed invention.

No part of the '254 reference has been identified that discloses a "gluing agent". Neither the examiner nor this Board identifies the lowest melting component of the product of the applied Example 8 of '254, or any evidence that the lowest melting component, what ever that may be, serves as a gluing agent for the remaining components of Example . It is not taught, nor argued, that any component of the product of the '254 reference melts at the disclosed process

¹ The *Thorpe* sentence includes at this point "or obvious from". This phrase is omitted because the basis of the rejection is anticipation, not obviousness.

temperature: 120°C. Since the solid form of the '254 reference, and the claimed invention are physically different, the '254 reference cannot disclose a product that "is the same as" the claimed granule. For the stated reasons, the '254 reference does not anticipate the claims 1 – 6, 8 – 21.

II. US 4,729,796 as an anticipating reference.

A. New Basis for Rejection – Sodium Hydroxide as stabilizer

This Board supports the anticipation rejection by identification of a new basis not identified by the Examiner, (37 CFR 41.50(b)) to wit: that the '796 reference discloses sodium hydroxide as a stabilizer.

The relied-upon Example 1 discloses a colophony solution containing sodium hydroxide that is incorporated with a pigment, then dried, to form a free-flowing granular material. In a step preceding drying the solid ingredients to form the free-flowing granular material, the solution is acidified by HCl to a pH of 4. At such pH, no sodium hydroxide is present. The combination of sodium hydroxide and hydrochloric acid at pH 4 forms sodium chloride. The absence of sodium hydroxide in the product of the '796 reference perhaps explains why the Examiner did not assert the presence of sodium hydroxide as a stabilizer.

Repeating for emphasis: in the dried, free-flowing, granular material of the '796 reference, sodium hydroxide is not present. Therefore the factual basis for the asserted anticipation does not exist.

B. Homogeneous Precipitate vs Discrete Mixture Component(s)

Furthermore, for the same reasons discussed above concerning the '254 reference, as a solid precipitated from a solution, the solid of the '796 reference is substantially homogeneous in

contrast to discrete non-melted components 'glued' in a matrix formed of the lowest melting component according to the claimed mixture. Relating the distinguishing feature to the *Thorpe* test, the '796 reference cannot disclose a product that "**is the same as**" the claimed granule.

C. Absence of "Gluing Agent"

The Board decision indicates that the Board did not address the fact that the '796 reference did not disclose a gluing agent that is "a stabilizer, a pigment, a dye, or a bleaching agent" as claimed. The failure to address the gluing agent claim element may result from the construction given the claims by the Board which failed to include the 'gluing' claim element. Board Opinion, p. 5.

Alternatively, the Board failed to recognize the significance of Applicant's argument that "a gluing agent is not identified that is a stabilizer, a pigment, a dye, or a bleaching agent according to Applicant's claims". Reply Brief, p. 15-16. The claims call for the molten part of the lowest melting component of: stabilizers plus pigments, and/or dyes or bleaching agents to "act as a gluing agent". It is immaterial that '796 discloses "granular pigment compositions comprising an antioxidant and sodium hydroxide" if neither component meets the claim limitation of a gluing agent. It has not been established that either component of the '796 reference "act[s] as a gluing agent". For this additional reason the '796 reference does not anticipate claims 1 – 6, 8 – 21.

D. New Ground of Rejection - "Carrier" as a defined term.

The Board decision notes as an objection that Applicant's "Specification does not define the term "carrier." " Board Opinion, p. 11. This statement suggests that the lack of definition of

"carrier" in some way renders the specification defective to the prejudice of the applicant. It may not.

Claims must be construed 'as one skilled in the art'. *In re Cortright* 165 F.3d 1353, 1358 (Fed.Cir., 1999); *Scripps Clinic & Research Foundation v Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed.Cir., 1991). Applicants are afforded license by *Autogiro Company of America v United States* 384 F.2d 391, 397, 155 USPQ 697, 702 (Ct.Cl., 1967) to define terms. Failing to define terms leaves the terms as having their customary meaning in the art.

The Patent and Trademark Office places the burden on the Examiner to apply the plain meaning of words in the claims of applications. See "MPEP 2111.01 Plain Meaning. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS THEY ARE DEFINED IN THE SPECIFICATION." Since the burden is placed on Examiners to give words of a claim their 'plain meaning' unless otherwise defined, it follows that this Board must do likewise. Thus, Applicant may not suffer prejudice, but may enjoy from this Board the 'plain meaning' of the term "carrier" in the claims under consideration.

Attached hereto is a definition of 'carrier' as that term is used in the art.² Applied to the '796 reference, colophony meets the definition provided as a substance present in an appreciable amount that carries a trace of a specified substance with it through a process. The antioxidant, pentaerythrityl-tetrakis-[3-(3,5-ditertbutyl-4-hydroxy-phenyl)propionate] present in the suspension at 1 part per hundred, is apparently carried through the process by the colophony present at 52 parts per hundred.

For the additional reason that carriers are excluded from the claim, the '796 reference does not anticipate the claims 1 – 6, 8 – 21.

III. US Patent 5,437,688 as an anticipating reference.

A. Homogeneous Precipitate does not Anticipate Mixture having Discrete Component(s).

² *Compendium of Chemical Terminology*, Blackwell Scientific Publications, Oxford, 1987. "Carrier a substance in appreciable amount which, when associated with a trace of a specified substance, will carry the trace with it through a chemical or physical process."

Applicant is not unaware that the Board has previously applied 37 CFR § 41.41(a)(2) as a basis to disregard support provided for the first time to the Board. In this rehearing request the Board may reach the same result by basing its decision on 37 CFR § 41.52(a)(1).

If the Board asserts that the Board may by adoption of a rule restrict the Applicant's freedom to fully respond to a new argument, then applicant submits that the Board's rule 37 CFR § 41.52(a)(1), as so applied, is constitutionally infirm. "When government agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use procedures which have traditionally been associated with the judicial process." *Hanna v. Larche*, 363 U.S. 420, 442 (1960).

Applicants submit that at a minimum, 'procedures traditionally associated with the judicial process' includes a right to fully respond to the argument raised by the Board decision. Claim construction is a question of law. *Cybor Corp. v FAS Techs., Inc.*, 138 F.3d 1448, 1456 (Fed.Cir., 1998) (*en banc*). "Evidence" as to the meaning of a term of a claim, such as in this matter 'carrier', is as appropriate to bring to the attention of this Board as is any rule, statute, or controlling decision on a question of law. Any hint or suggestion that a patent applicant may not respond including reference to a supporting textbook source, by adoption of a rule or procedure, denies due process to the patent applicant.

It is urged that '688, and specifically Example 1 thereof anticipates claims 1 – 6, 8 – 21.

Example 1, (and Examples 2 – 7, 10 – 22) disclose 'an aqueous dye solution'. Included in the aqueous dye solution is sodium sulfate and sodium primary phosphate.

Applicant's claims are directed to "A mixture of additives To assist in distinguishing a solution from a mixture, definitions of each are attached from *Webster's New Collegiate Dictionary*. Significant for this discussion is the fact that the solid preparations of the '688 references result from uniformly dispersed ingredients of solutions in contrast to the discrete components of the mixture of Applicant's claims. As explained above, the claims call for the molten part of the lowest melting component of: stabilizers plus pigments, and/or dyes or bleaching agents to "act as a gluing agent". Thus, components of the mixture having melting points greater than the lowest melting component retain their discrete character. In contrast, solids precipitated from the solution of '688 can expect uniform distribution of components.

B. The Precipitated Solution does not Include a Claimed "Gluing Agent".

Moreover, the '688 reference contains no disclosure, so far as Applicant can determine, of a gluing agent as called for by the claims. It is not taught, nor argued, that any component of the product of the '688 reference melts at the undisclosed temperature of the spray drying step.

IV. Generalized Arguments of the Board Decision.

The Board Decision adds generalized arguments not related to specific references.

A. The False Premise of "Liquified" components

The opinion of this Board would equate liquids of the cited prior art with the melt of only the lowest melting component of the claims. The Board said:

"[I]n addition to having the same ingredients in physical form, the prior art **products** and the claimed products are both made by creating liquefied mixtures of the claimed **ingredients**, and then processing those ingredients into a solidified granular form."

Board Opinion, p. 13 (emphasis supplied)

This statement of the Board is not supported. The Board states that the **ingredients** of the claims are "liquefied". (The applied reference, '688, describes its 'liquefaction' as "a solution".) The claims call for "the partial or total melting of the lowest-melting of said components". Thus, the statement by this Board that the **components** of the claims are "liquefied" is false. The claims call for 'liquefaction' of all or part of "the lowest-melting of said components". Other component(s) of the claims remain un-"liquefied".

Since the premise on which the Board's conclusion that the claims are anticipated by the '688 reference fails, the conclusion likewise is erroneous, and must be withdrawn.

B. Solid Granules Does Not Equate to "the Same Product".

A further fallacy of the statement quoted above concerns the physical state of matter of the granules. While the resulting granules have the same "physical form", i.e., granular solid, that is not sufficient to meet the test of *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Fed. Cir., 1985), that the products made by two processes be "the same". A substantially homogeneous distribution of components precipitated from solution, is not "the same as" the discrete components of Applicant's claims glued by the lowest melting component of the mixture. For this reason as well, the conclusion of anticipation must fail.

C. Spatial Relationship of Dried Solids of Aqueous Solutions vs the Claimed Melt of the Lowest Melting Ingredient.

The Board concluded that granular products prepared from aqueous solutions would have "the same spatial relationship" as the claimed melt of the lowest melting ingredient. Opinion, p.

13. Applicant rejects this conclusion as illogical, irrelevant, and unsupported.

1. "The Same Spatial Relationship" Finding is Not Supported

First this conclusion finds no support in the factual record: the references.

2. Board Fact Findings Must be Supported on the Record.

Ex parte appeals, like contested matters, are considered by the Federal Circuit "on the record". 35 USC 144. In the context of a contested case, the Federal Circuit held on May 14, 2007³ that the Board may not base factual findings on its own expertise rather than evidence in the record. Applicant submits that when afforded the opportunity in a case, such as the instant matter that presents the issue, that the Federal Circuit will reach the same result, to wit: factual findings of this Board must be supported by the record in *ex parte* matters.

3. Undefined Terms.

So far as applicant can determine, "the same spatial relationship" is not a term of art related to the claimed invention. Moreover, the Board left the term undefined.

4. Spatial Relationship is not Conclusive.

Even if "the same spatial relationship" did exist between the cited references, and invention as claimed, that does not render the claims anticipated by the prior art. "Spatial

³ *Brand v Miller* #2006-1419, Fed. Cir., decided May 14, 2007.

"relationship" is not a single property that renders the claimed mixture "the same as" the products of the references. "Spatial relationship" is not a feature recited in the claims.

5. "Spatial Relationship" is a Red Herring.

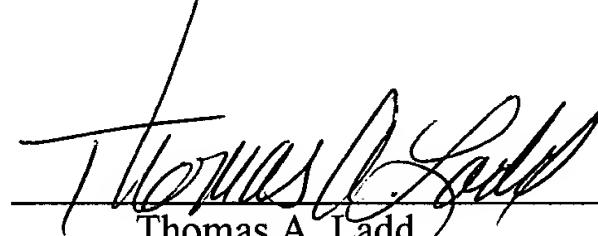
The spatial relationship of the components, if such were a defined term having relevance to the claimed invention, is at most one feature. Anticipation requires that a single prior art reference disclose each limitation of the claim. *Minnesota Mining & Mfg. Co. v Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed.Cir., 1992). The standard necessary in the instant case requires that the Patent Office establish that the claimed mixture "is the same as" the product of the '254 reference.

For the reasons stated, the '688 reference does not anticipate the claims 1 – 6, 8 – 21.

Relief Requested

Applicant seeks by this Rehearing:

- 1) withdrawal of all anticipation rejections pursuant to 35 USC §102(b) over all references of record;
- 2) appropriate extension of the patent term from the ordinary term of 20 years from filing date 35 USC §154(a)(20, resulting for the delay caused by this appeal. 35 USC §154(b)(1)(C)(iii),
- 3) affirmation of the claims according to the attached and the Amended Claims Appendix submitted with Applicant's Reply Brief.



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Claims Appendix

1. A mixture of additives for organic polymers in granular form comprising:

- one or more stabilizers for organic polymers; plus
- one or more organic or inorganic pigments; and/or
- one or more dyes or bleaching agents;

obtained by extrusion at a temperature capable of enabling the partial or total melting of the lowest-melting of said components, the molten part of which, on solidifying, act as gluing agent for the remaining components,

said inorganic pigments being selected from the group consisting of iron oxides, carbon black, talc, China clay, barites, silicates, and sulfosilicates;

said mixture being devoid of said organic polymers and carriers for said components.

2. The mixture of additives in granular form according to claim 1, wherein the stabilizers for organic polymers are selected from the group consisting of: antioxidants, ultraviolet-ray and light stabilizers, metal-deactivators, phosphites and phosphonites, hydroxylamines, nitrons, thiosynergizing agents, agents capable of destroying peroxides, polyamide stabilizers, basic co-stabilizers, nucleating agents, fillers and reinforcing agents, benzofuranones and indolinones.

3. The mixture of additives in granular form according to claim 2, wherein the antioxidants are selected from the group consisting of alkylated monophenols, alkylthiomethylphenols, hydroquinones and alkylated hydroquinones, tocopherols, hydroxylated thiodiphenyl ethers,

alkylidenebisphenols, benzyl compounds containing O, N or S, hydroxybenzylated malonates, aromatic hydroxbenzyl compounds, triazine compounds, benzylphosphonates, acylaminophenols, esters of β (3,5-di-t-butyl-4-hydroxyphenyl)propionic acid with monohydric or polyhydric alcohols, esters of β -(5-di-t-butyl-4-hydroxyphenyl)propionic acid with monohydric or polyhydric alcohols, esters of β -(3,5-dicyclohexyl-4-hydroxyphenyl) propionic acid with monohydric or polyhydric alcohols, esters of 3,5-di-t-butyl-4-hydroxyphenyl acetic acid with monohydric or polyhydric alcohols, amides of β -(3,5-di-t-butyl-4-hydroxyphenyl)propionic acid, ascorbic acid, and aminic antioxidants.

4. The mixture of additives in granular form according to claim 2, wherein the ultraviolet ray and light stabilizers are selected from the group consisting of derivatives of 2-(2'-hydroxyphenyl)benzotriazoles, derivatives of 2-hydroxybenzophenones, esters of benzoic acids optionally substituted, acrylates, nickel compounds, sterically hindered amines and their N-alkoxy derivatives, oxamides, and 2-(2-hydroxyphenyl)-1,3,5-triazine.

5. The mixture of additives in granular form according to claim 2, wherein other additives are present selected from the group consisting, of plasticizers, lubricants, emulsifying agents, rheological additives, catalysts, slip agents, optical brighteners, flame-retardants (bromurates, chlorurates, phosphorates and phosphorous/halogen mixtures), antistatic agents, and blowing agents.

6. The mixture of additives in granular form according to claim 1, wherein the organic pigments are selected from the group consisting of organic pigments of the azo type,

azomethines, anthraquinones, perlenes, dioxazines, thioindigo reds, quinacridones, phthalocyanines, blue indanthrones, carbazoles, isoindolinones, isoindolones, benzimidazolinones, and their metal salts.

7. (Cancelled)
8. The mixture of additives in granular form according to claim 1, wherein the dyes or bleaching agents, are soluble, insoluble or slightly soluble in water.
9. The mixture of additives in granular form according to claim 8, wherein the dyes which are soluble in water are selected from the group consisting of acid dyes, aminoketones, ketone-imines, methines, nitrodiphenylamines, quinolines, aminonaphthoquinones, coumarins, anthroquinones, and azo dyes .
10. The mixture of additives in granular form according to claim 9, wherein the dyes which are soluble in water contain one or more anionic groups soluble in water.
11. The mixture of additives in granular form according to claim 8, wherein the dyes are soluble in water are selected from the group consisting of salts, metal halides, anthraquinones, phthalocyanines, diarylmethane and triarylmethane; methine, polymethylene and azomethine; thiazoles, ketone-imines, acridines, cyanines, nitro dyes, quinolines, benzimidazoles, xanthenes, azines, oxazines, thiazines and triazines which have at least one quaternary nitrogen in the molecule.

12. The mixture of additives in granular form according to claim 1, wherein the dyes which are insoluble or slightly soluble in water are selected from the group consisting of dyes containing sulfur, disperse dyes and vat dyes.
13. The mixture of additives in granular form according to claim 12, wherein the disperse dyes are selected from the group consisting of nitro dyes, aminoketones, ketone-imines, methines, polymethines, diphenylamines, quinolines, benzimidazoles, xanthene, oxazines, aminonaphthoquinones, and coumarins which do not contain carboxylic acid or sulfonic acid groups.
14. The mixtures of additives in granular form according to claim 12, wherein the vat dyes are those applied to fabrics in dispersed solid form and, after development, are still present in a form which is insoluble in water.
15. Use of the mixtures of additives according to any of the previous claims in the stabilization and dyeing of organic polymers.
16. Polymeric compositions containing an organic polymer and an effective quantity of one of the mixtures of additives according to any of the previous claims.
17. End-products obtained from the processing of the polymeric compositions according to claim 16.

18. The mixture of claim 10, wherein said anionic groups soluble in water are selected from the group consisting of carboxylic acid groups, sulfonic acid groups, and salts of said carboxylic and sulfonic acid groups.
19. The mixture of claim 18, wherein said salts are selected from the group consisting of lithium, sodium, potassium and ammonium salts.
20. The mixture of claim 11, wherein said salts which are dyes soluble in water are selected from the group consisting of chlorides, sulfates, metasulfates and -- onium chlorides, and said metal halides which are dyes soluble in water are tetrachlorozincates of azo dyes.
21. The mixture of claim 13, wherein said disperse dyes are selected from the group consisting of anthraquinones and azo dyes.

International Union of Pure and Applied Chemistry

Compendium of Chemical Terminology

IUPAC RECOMMENDATIONS

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CARBOCATION

The term was proposed as a replacement for the traditional usage of the name carbonium ion.

To avoid ambiguity, the name should not be used as the root for the systematic nomenclature of carbocations. The corresponding difficulty confused carbonium ion nomenclature for many years. For example, the term "ethyl carbonium ion" has at times been used to refer either (incorrectly) to CH_3CH_2^+ or (correctly according to older rules) to $\text{CH}_3\text{CH}_2\text{CH}_2^+$.

1983, 55, 1296

CARBOCATION

A cation containing an even number of electrons in which a significant portion of the excess positive charge is located on one or more carbon atoms. This is a general term embracing carbonium ions, all types of carbonium ions, vinyl cations, etc. Carbocations may be named by adding the word "cation" to the name of the corresponding radical. Such names do not imply structure (e.g., whether three-co-ordinated or five-co-ordinated carbon atoms are present).

See also bridged carbocation; radical ion.

1983, 55, 1296

CARBON-FURNACE

Atomizing device using heated carbon tubes.

O.B. 125

CARBONIUM ION

The term should for the present be avoided or at least used with great care since several incompatible usages are current. It is not acceptable as the root for the systematic nomenclature of carbocations.

1. In most of the existing literature the term is used in its traditional sense for what is here defined as carbonium ion.

2. A carbocation, real or hypothetical, that contains at least one five-co-ordinate carbon atom.

3. A carbocation, real or hypothetical, whose structure cannot adequately be described by two-electron two-centre bonds only. (The structure may involve carbon atoms with a co-ordination number greater than five.)

1983, 55, 1297

CARBYNE

Generic name for the species $\text{HC}:$ and substitution derivatives thereof (such as $\text{EtO}_2\text{C-C}:)$, containing an electrically neutral univalent carbon atom with three non-bonding electrons. Use of the alternative name methylidyne as a generic term is not recommended.

1983, 55, 1297

CARRIER

A substance in appreciable amount which, when associated with a

CARRIER FREE

trace of a specified substance, will carry the trace with it through a chemical or physical process.

See also *support (of a catalyst)*.

1982, 54, (1537); see also 1976, 46, 79

CARRIER FREE

A term describing a preparation of a radioactive isotope which is free from stable isotopes of the element in question.

1982, 54, (1537)

CARRIER GAS (or Eluent gas)

Gas used to elute the sample as it passes through the column in gas chromatography. The carrier gas together with the portions of the sample present in this phase constitutes the mobile phase.

O.B. 65 and 79

CARRIER, HOLD BACK

A carrier used to prevent a particular species from following other species in a chemical operation.

1982, 54, (1537)

CARRIER, ISOTOPIC

A carrier which differs only in isotopic composition from the trace it has to carry.

1982, 54, (1537)

CATALYSED REACTION

See *catalyst*.

1981, 53, (762)

CATALYSIS

The phenomenon in which a relatively small amount of a foreign material, called a catalyst, augments the rate of a chemical reaction without itself being consumed. Cases occur with certain reactants in which the addition of a substance reduces the rate of a particular reaction, for example, the addition of an inhibitor in a chain reaction or a poison in a catalytic reaction. The term "negative catalysis" has been used for these phenomena but this usage is not recommended; terms such as *inhibition* or *poisoning* are preferred.

1976, 48, 74; see also 1983, 55, 1297

CATALYSIS LAW

See *Bronsted relation*.

1983, 55, 1297

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per to use] 1 : to use incorrectly : MISAPPLY (misused his talents)
 2 : ABUSE, MISTREAT (misused his servants)
 mis-use \mɪs'yōs\ n, (MB) \mɪs'yōz\ adj : incorrect or improper use
 : MISAPPLICATION
 mis-value \mɪs'val\ (yū, -yō-vəl) n, v : UNDERRATE
 mis-adventure \mɪs'ad-vər-tʃər\ n : MISADVENTURE
 mis-write \mɪs'rit\, n, -wrote \-tō̄t\, -written \-rit̄n\, -writing \-rit̄g\ : to write incorrectly
 mite \mɪt\, n [ME, fr. OE mītan skin to MID mītan, small copper coin, OHG miutan to cut, OE gemidd silly — more at MAD] 1 : any of numerous small to very minute arachnids (order Acarina) that often infest animals, plants, and stored foods and include important disease vectors 2 [ME, fr. MD] : a small coin or sum of money 3 : a very little : BIT (could be that I am a ~ prejudiced —John Fischer) b : a very small object or creature
 miter or mitre \mɪt̄r\, n [ME, fr. L mitra headband, mitra, fr. Gk; akin to Skt mitra headband worn by bishops and abbots — see VERMINT illustration] 2 a : a surface forming the beveled end or edge of a piece where a joint is made by cutting two pieces at an angle and fitting them together b : MITER
 square
 miter or mitre w: mitered or mitred: mitering or mitring \mɪt̄r-ing\ 1 : to cover a miter on 2 a : to match or fit together in a miter joint b : to bevel the ends of or making a miter joint — mit'erer \mɪt̄r-ər\, n
 miter box n : a device for guiding a handsaw at the proper angle in making a miter joint in wood
 miter gear n : one of a pair of interchangeable bevel gears with axes at right angles
 miter square n : a bevel with an immovable arm at an angle of 45 degrees for striking miter lines; also : a square with an arm adjustable to any angle
 mit-tor-wort or mitre-wort \mɪt̄r-ər-wɔrt, -wɔrt\, n : any of a genus (*Mitella*) of rhizomatous perennial herbs of the saxifrage family that bear a capsule resembling a bishop's miter
 Mithraic \mɪthrē-ik\ adj [LGk mithraic of Mithras, ancient Per god of light, fr. Gk Mithras, fr. OPer Mithra] : of or relating to an oriental mystery cult for men flourishing in the late Roman empire — Mithraicism \mɪthrē-iz-əm, -iz̄m\ n — Mithraicist \mɪthrē-iz̄st\ n or adj
 mithridate \mɪthrē-dāt\, n [NL mithridatum, fr. L mithridatum, fr. Gk dogtooth violet (used as an antidote), fr. Gk mithridatos, fr. Mithridates] : an antidote against poison; esp : an elixir held to be effective against poison
 mithridate-ism \mɪthrē-dāt-iz̄m\ n [Mithridates VI 163, king of Pontus, fr. L Mithridates, fr. Gk Mithridates; fr. the fact that he reputedly produced this condition in himself] : tolerance to a poison acquired by taking gradually increased doses of it
 mi-toxicide \mɪt̄o-kīd\, n [mix + -cide] : an agent used to kill mites — mi-toxicidal \mɪt̄o-kīd'-əl\, adj
 mi-to-gate \mɪt̄o-gāt\, v: -gated, -gating (MB mi-to-gate, fr. L mitigatus, pp. of mitigate to soften, fr. mixū soft + -gate (skin to L agere to drive); akin to OIr mait soft — more at AGENT] 1 : to cause to become less harsh or hostile : MOLLIFY (aggressiveness may be mitigated or . . . channeled —Ashley Montagu) 2 a : to make less severe or painful : ALLEVIATE b : EXTENNUATE [syn see RELIEF, antonym] — mitigation \mɪt̄o-gāshən\ n — mitigationary \mɪt̄o-gāt̄rē\ adj — mi-to-gator \mɪt̄o-gāt̄r\, n : mitigationary \mɪt̄o-gāt̄rē\, adj — mi-to-gat̄rily \mɪt̄o-gāt̄rēlē\, adv
 mi-to-chondri-on \mɪt̄o-kon'drē-ən\, n, pl -o-nia \-ōnē\, (DNL, fr. Gt mitor thread + chondri, dim. of chondro grain — more at GRIND) : any of various round or long cellular organelles that are found outside the nucleus, produce energy for the cell through cellular respiration, and are rich in fats, proteins, and enzymes — see cell illustration — mi-to-chon-dri-al \mɪt̄o-ōnē-əl\, adj
 mi-to-gen \mɪt̄o-jen\, n [mix + -gen] : a substance that induces mitosis — mi-to-genic \mɪt̄o-jēn'ik\, adj — mi-to-genic-ity \mɪt̄o-jēn'itē\, n
 mi-to-my-cin \mɪt̄o-mī-sīn\, n [ISV mi-to- (prob. fr. NL mitosis) + -mycin] : a complex of antibiotic substances which is produced by a Japanese streptomyces and one form of which acts directly on DNA and shows promise as an anticancer agent
 mitosis \mɪt̄ō-sis\, n, pl -oses \-sēz\ [NL, fr. Gk mitos thread] 1 : a process that takes place in the nucleus of a dividing cell; involves typically a series of steps consisting of prophase, metaphase, anaphase, and telophase, and results in the formation of two new nuclei each having the same number of chromosomes as the parent nucleus — compare KINETOSOME 2 : cell division in which mitosis occurs — mi-to-toic \mɪt̄o-tik\, adj — mi-to-toically \-tik-ō-tik\, adv
 mi-to-til-teuse \mɪt̄o-tēzhōōz\, n [F] 1 : a breech-loading machine gun with a number of barrels 2 : MACHINE GUN
 mi-tral \mɪt̄räl\, adj 1 : resembling a miter 2 : relating to, being, or adjoining a miter valve or orifice
 mi-tral valve n : BICUSPID VALVE
 mi-tzah \mɪt̄zə\ n [short for mittah] 1 a : a woman's girdle that leaves the fingers uncovered b : MITTEN 1 c : a baseball catcher's or first baseman's glove made in the style of a mitten 2 along : HAND mittens \mɪt̄z̄n\, n [MB mittens, fr. MF mittene, fr. OF, fr. mitten] 3 : a covering for the hand and wrist having a separate section for the thumb only 2: MITTEN
 mi-trah-nus \mɪt̄rā-nüs\, n [L, we send, fr. mitare to send — more at NAME] : a warrant of commitment to prison
 mi-trah-vah \mɪt̄rā-vä\, n, pl mi-trah-voh \-vōh\, -vö\, or mi-trah-vahs [Heb mitwah] 1 : a commandment of the Jewish law 2 : a merciful or charitable act
 mix \mɪks\, vb [ME mixere, back-formation fr. mixere mixed, fr. MF, fr. L mixere, pp. of miscere to mix; akin to Gk mygnomai to mix] n 1 a : (1) : to combine or blend into one mass (2) : to

combine with another b : to bring into close association (~ business with pleasure) 2 : to form by mixing components (~ a drink at the bar) 3 : CONFINE — often used with up (~ things up in his eagerness to speak out — Irving Howe) ~ w: 1 a : to become mixed b : to be capable of mixing 2 : to enter into relations 3 : ASSOCIATE 3 : CROSSEBRED 4 : to become involved : PARTICIPATE (decided not to ~ in politics) — mixable \mɪk'-ə-bəl, adj
 syn MIX, MIXTURE, COMBINING, BLEND, MERGE, COALESC, ANALOGUE ANT, RXN shared meaning element : to combine or be combined into a more or less uniform whole
 mix'm \mɪks'\, n 1 : an act or process of mixing 2 : a product of mixing: specif : a commercially prepared mixture of food ingredients (as cake) ~ 3: mixer 2b
 mixed \mɪks̄d\, adj [MB mixte] 1 : combining characteristics of more than one kind; specif : combining features of two or more systems of government (~ a constitution) 2 : made up of or involving individuals or items of more than one kind as ~ 3: made up of or involving persons differing in race, national origin, religion, or class b : made up of or involving individuals of both sexes (~ company) 3 : including or accompanied by inconsistent or incompatible elements (~ emotions) 4 : deriving from two or more races or breeds (a person of ~ blood)
 mixed alphabet n : an alphabet (as in a cryptographic system) that has been rearranged or disordered systematically or randomly mixed bag n : a miscellaneous collection : ASSORTMENT
 mixed bud n : a bud that produces a branch and leaves as well as flowers
 mixed drink n : an alcoholic beverage prepared from a recipe calling for two or more ingredients stirred or shaken before serving
 mixed farming n : the growing of food or cash crops, feed crops, and livestock on the same farm
 mixed grill n : meats (as lamb chop, kidney, and bacon) and vegetables broiled together and served on one plate
 mixed marriage n : a marriage between persons of different races or religions
 mixed-media adj : MULTIMEDIA
 mixed nerve n : a nerve containing both sensory and motor fibers
 mixed number n : a number (as 5½) composed of an integer and a fraction
 mixed-up \mɪks'-ə-pəd\, adj : marked by bewilderment, perplexity, or disorder : CONFOUNDED (an abandoned of husband and child, and a totally ~ kid —Hollis Alport)
 mixer \mɪks̄-ər\, n 1 : one that mixes as a (1) : one whose work is mixing the ingredients of a product (2) : one who balances and controls the dialogue, music, and sound effects to be recorded for or with a motion picture or television b : a container, device, or machine for mixing c : a game, stunt, or dance used at a get-together to give members of the group an opportunity to meet one another in a friendly and informal atmosphere — called also icebreaker 2 : one that mixes with others: as a : a person considered as to his social sociability (one shy and a poor ~) b : a nonalcoholic beverage (as ginger ale) used in a mixed drink
 mixology \mɪk-sōlōjē\, n : the art or skill of preparing mixed drinks — mix-o-logist \-jōj̄st\, n
 mix'et abbr mixture
 Mixtec \mɪt̄sək\, n, mixeck \mɪt̄sək\, n, pl Mixtecs or Mixtecas [AmerSp mixteco] 1 : a member of an American Indian people of Mexico 2 : the language of the Mixtec people
 mixture \mɪkshən\, n [MP, fr. OF mixture, fr. L mixtum, fr. mixus] 1 a : the act, the process, or an instance of mixing b (1) : the state of being mixed (2) : the relative proportions of constituents; specif : the proportion of fuel to air produced in a carburetor 2 : a product of mixing; COMBINATION n: a portion of mixture consisting of two or more components in varying proportions that retain their own properties b : a fabric woven of variously colored threads c : a combination of several different kinds mix-up \mɪks'-ə-pəp\, n 1 : a state or instance of confusion (a ~ about who was to meet the train) 2: MIXTURE 3 : CONFLICT, FIGHT
 Mi-za'r \mɪz̄r\, n [Ar Mizar, lit., veil, cloak] : a star of the second magnitude in the handle of the Big Dipper
 mi-zzen or mizzen \mɪz̄n\, n [ME mison, prob. fr. MP mizzen, deriv. of Ar mazzan mast] 1 : a fore-and-aft sail set on the mizzenmast 2: MIZZENMAST
 mi-zzen or mizzen adj : of or relating to the mizzenmast (~ shrouds)
 mi-zzen-mast \mɪz̄n-măst\, n : the mast aft or next aft of the mainmast in a ship
 mi-to-toic \mɪt̄o-tik\, n : mix-toxic: mitzelating \-tik\, (MB mizellen: skin to skin mizzen to drizzle, MD mix too; mizzi): to rain in very fine drops; drizzle (standing up batches to the mitzeling rain —Helen Bush) — mizze n — mizley \-tik\, (origin unknown) chiefly Brit : to depart suddenly
 mi-to-toic abbr 1 mark : 2 marks
 mi-to-toic abbr Mark
 mi-to-toic meter-kilogram-second
 mi-to-toic abbr marketing
 mi-to-toic millilitre
 mi-to-toic millilambert
 MLA abbr 1 Member of the Legislative Assembly 2 Modern Language Association
 MLD abbr 1 median lethal dose 2 minimum lethal dose
 MLP abbr multilateral force
 Mills abbr [P] mademoiselle

o abut: * human or further * a back * 5 back, 6 foot, ear
 ab out: ch chin, * e leis * 8 only * gift * trip, * 1 life
 i joke: * sing * 5 blow * blow * coin, th thin, th this
 8 foot * 6 foot * y yet * yd few * yd/furious * ab vision

hemisphere and on December 22d to begin winter in the northern hemisphere.

solstitial \sôl'stish'əl, sôl'-, sôl'-, adj [L. solstitialis, fr. solstitium] 1 : of, relating to, or characteristic of a solstice and esp. the summer solstice 2 : happening or appearing at or associated with a solstice

solubility \sôl'yo-bil'i-té, n 1 : the quality or state of being soluble 2 : the amount of a substance that will dissolve in a given amount of another substance

solubilize \sôl'yo-bil'iz\, v [N.D. *solvit*: Latin: *solvit* : to make soluble or increase the solubility of — **solubilization** \sôl'yo-bil'i-za'shən\, n

soluble \sôl'yo-bal\, adj [ME, fr. MF, capable of being loosened or dissolved, fr. L. *solutus*, fr. *solvere* to loosen, dissolve — more at **SOLVE**] 1 a : susceptible of being dissolved in or as if in a liquid b : capable of being emulsified : **EMULSIFIABLE** (a ~ oil) 2 : subject to being solved or explained (~ questions) — **solubleness** n — **solubly** \sôl'yo-bli'\, adv

soluble glass n : WATER GLASS 4

soluble RNA n : TRANSFER RNA

sodium \sôd'ē-əm\, n, pl. **sodas** \sôd'əz\, or **sodium** [NL, fr. L, ground, soil] : the altered layer of soil above the parent material that includes the A- and B-horizons

sodium \sôd'ē-əm\, adj or adj [L.] : ALONE — often used in stage directions

solute \sôl'yüt\, n [L. *solutum*, pp.]: a dissolved substance

solution \sôl'yü-shən\, n [ME, fr. MF, fr. L. *solutio*, *solutus*, fr. *solutus*, pp. of *solvere* to loosen, solve] 1 a : an action or process of solving a problem b : an answer to a problem : EXPLANATION 2 spec. : a set of values of the variables that satisfies an equation 3 a : an act or the process by which a solid, liquid, or gaseous substance is homogeneously mixed with a liquid or surrounds a gas or solid b : a typically liquid homogeneous mixture formed by this process c : the condition of being dissolved d : a liquid containing a dissolved substance 3 : a bringing or coming to an end or into a state of discontinuity

solution set n : the set of values that satisfy an equation; also : TRUTH SET

Solutrean or **Solutrean** \sôl'yü-tré-ən\, adj [Solutre, village in France] : of or relating to an upper Paleolithic culture characterized by leaf-shaped finely flaked stone implements

solveable \sôl'yo-bal\, sôl'-, adj : susceptible of solution or of being solved, resolved, or explained — **solveability** \sôl'yo-bal-i-té, sôl'-, n

solvate \sôl'b, vst, sôl'-, n [solvent + -ate] : a complex ion formed by the chemical or physical combination of a solute ion or molecule with a solvent molecule; also : a substance (as a hydrate) containing such ions

solvate vb **solvated**; **solvating** n : to convert into a solvate ~ n : to become or behave as a solvate — **solvation** \sôl'yü-shən, sôl'-, n

Solvay process \sôl'vay, sôl'-, n [Ernest Solvay 1838-1922 Belgian chemist] : a process for making soda from common salt by passing carbon dioxide into ammonical brine resulting in precipitation of sodium bicarbonate which is then calcined to carbonate

solve \sôl've, sôl've, vb **solved**; **solving** [ME *solvere* to loosen, fr. L. *solvere* to loosen, solve, dissolve, fr. *sol-*, *se-* apart + *lo-* to release — more at **STICK**, **LOSE**] vt 1 : to find a solution for (~ a problem) 2 : to pay (as a debt) in full ~ n : to solve something (substitute the known values of the constants and ~ for x) — **solver** n

solvency \sôl've-né-té, sôl'-, n : the quality or state of being solvient

solvent \sôl'vent\, adj [L. *solutus*, *solvens*, pp. of *solvere* to dissolve, pay off (~ fluids) (~ action of water) — **solvently** adv

solvent n 1 : a usu. liquid substance capable of dissolving or dispersing one or more other substances 2 : something that provides a solution 3 : something that eliminates or attenuates something esp. unwanted — **solventless** \sôl'vent-lés\, adj

solvolysis \sôl'vö-lí-sis\, sôl'-, n [NL, fr. L. *solvit* + -o- + NL *-lysis*]: a chemical reaction (as hydrolysis) of a solvent and solute that results in the formation of new compounds — **solvolytic** \sôl'vö-tik\, sôl'-, adj

soma \sôm'ə-mə\, n [Skrt: skin to Av *soman*, a Zoroastrian ritual drink, Gk *skutis* to rain — more at **SUZU**] 1 : an East Indian leafless vine (*Sarcocinnea acidum*) of the milkweed family with a milky acid juice 2 : an intoxicating plant juice of ancient India used as an offering to the gods and as a drink of immortality by worshippers in Vedic ritual and worshipped as a Vedic god

somog n [NL *somos*, soma, fr. Gk *sôma*, soma body] 1 : all of an organism except the germ cells 2 : the body of an organism

Somali \sôm'älë, sôm'-, n, pl. **Somalis** or **Somali** 1 : a member of a people of Somalia apparently of mixed Mediterranean and Negroid stock 2 : the Cushitic language of the Somali people

Somali shilling n : the shilling of Somalia

so many adj 1 : constituting an unspecified number (used so today chapters each night) 2 : constituting a group or pack (bo-hived like so many animals)

somatic or **somatic** comb form [NL, fr. Gk *sômatikos*, *sômatos*, fr. *sôma*, soma body; skin to L. *nudus* to swell — more at **TUMOR**] 1 : body (somaticity) 2 : soma (somatoplasm)

somatic \sôm'ä-tik\, sôm'-, adj [Gk *sômatikos*, fr. *sômatos*, *sôma*], 1 : of, relating to, or affecting the body esp. as distinguished from the germ plasm or the psyche 2 : of or relating to the wall of the body : **PARIETAL** 3 : **MESOBIOLOGIC** syn see **SOMA** — **somatically** \sôm'ä-tik'ē-əl\, adv

somatic cell n : one of the cells of the body that compose the tissues, organs, and parts of that individual other than the germ cells

somaticogenic \sôm'ä-tik'ō-jen'ik\, adj : originating in, affecting, or acting through the body — compare **EVOCOGENIC**

somaticology \sôm'ä-tol'ō-jē, n [NL *somatologia*, fr. *sômatos* + -logia -logy] : a branch of anthropology primarily concerned with the comparative study of human evolution, variation, and classifi-

solstitial • somewhere

cation esp. through measurement and observation — **so-mato-**
logical \sôm'ä-tik'ē-əl\, adj

so-mato-plasm \sôm'ä-tô-plaz'm\, n 1 : protoplasm of somatic cells 2 : somatic cells as distinguished from germ cells — **so-**
meto-plastic \sôm'ä-met'ik\, adj

so-mato-pleurie \sôm'ä-mat'ō-plü-rē\, n [NL *somatopleria*, fr. *sômatos* + Gk *pleura* side] : a complex layer in the embryo of a craniate vertebrate consisting of the outer of the two layers into which the lateral plate of the mesoderm splits together with the ectoderm that sheathes it externally and giving rise to the body wall — **so-**
meto-pleuric \sôm'ä-met'ik\, adj

so-mato-sensor \sôm'ä-mat'ō-sen'sör\, adj : of, relating to, or being sensory activity having its origin elsewhere than in the special sense organs (as eyes and ears) and conveying information about the state of the body proper and its immediate environment

so-mato-trophic hormones \sôm'ä-trof'ik\, n [so-mato- + -trophic] : GROWTH HORMONE 1

so-mato-tropin \sôm'ä-trop'in\, or **so-mato-trophin** \sôm'ä-trof'ēn\, n [para-
hypophyseal, **somatotrophic** + -in] : GROWTH HORMONE 1

so-mato-type \sôm'ä-mat'ō-tüp'ik\, adj : body type : **stature** — **so-**
meto-typic \sôm'ä-met'ō-tüp'ik\, adj — **so-mato-typically** \sôm'ä-met'ō-tik'ē-əl\, adv

sombra or **sombra** \sôm'brə\, adj [I^r *sombra*] 1 : so shaded as to be dark and gloomy 2 a : of a serious mood ; GRAVE b : of a dismal or depressing character : MELANCHOLY c : conveying gloomy suggestions or ideas 3 : of a dull or heavy cast or shade ; dark colored — **sombrenly** adv — **sombreness** n

sombra \sôm'brə\, n [I^r *sombra*] : a high-crowned hat of felt or straw with a very wide brim worn esp. in the Southwest and Mexico

sombrous \sôm'brüs\, adj [I^r *sombra*] : sombre

somme \sham\, for 2 without stress, adj [ME *som*, adj. & pron., fr. OB sum: skin to OHG *sum*] some, Gk *hom* somehow, *homos* same — more at **SAME** 1 : being an unknown, undetermined, or unspecified unit or thing (<~ person knocked) 2 a : being one, a part, or an unspecified number of something (as a class or group) named or implied (~ gears are hard) b : being of an unspecified amount or number (give me ~ water) (have ~ applies) 3 : IMPORTANT, STRIKING (that was ~ party) 4 : being at least one — used to indicate that a logical proposition is asserted only of a subclass of certain members of the class denoted by the term which it modifies

some \sôm\, pron, sing or pl in count 1 : one indeterminate quantity, portion, or number as distinguished from the rest 2 : an indefinite additional amount (run a mile and then ~) 3 : some \sôm\, adj, adv 1 : ABOUT (~ eighty houses) 2 : CONSIDERABLE [lit ~ better]

some \sôm\, adj or adj [ME *som*, fr. OB sum: skin to OHG *sum*] some, OB sum some] : characterized by a (specified) thing, quality, state, or action (awesome) (burdensome) (enthusiastic)

some a suffix [ME *sorthe* dial.] -some, fr. MB sum, prou., one, some] : group of (so many) members and esp. persons (four-score)

some \sôm\, a coined form [NL *somnis*, *somni*, fr. Gk *sômos*, *sôma* — more at **SOMAT**] 1 : body (chromosome) 2 : chromosome (chromosome)

some-body \sôm'bi-hid', -bod'\, pron : one or some person of unspecified or indefinite identity (~ will come to)

somebody n : a person of position or importance

someday \sôm'dé, -dë\, adv : at some future time

someday \sôm'dé, -dë\, adj, archaic : SOMETHAT

someday \sôm'dé, -dë\, adv : in one way or another not known or designated : by some means

somes-one \sôm'ən\, pron : some person : SOMEBODY

somewhere \sôm'wär\, adv : SOMEWHERE

somersault \sôm'ər-sôlt\, n [MP *sombercet*: leap, deriv. of L super over + *salto* leap, fr. *saltus*, pp. of *salire* to jump — more at **OVER**, **SALLY**] : a leap or roll in which a person turns forward or backward in a complete revolution bringing the feet over the head and finally landing on the feet — **somersault** n

somerset \sôm'ər-set\, n or vt [by alter.] : SOMERSAULT

something \sôm'əth'ing\, esp rapid or for 2 *samp'-'m\, pron 1 : some indeterminate or unspecified thing 2 : a person or thing of consequence*

somethin adv 1 : in some degree : SOMEWHAT 2 : to an extreme degree (swears ~ awful)

sometime \sôm'ə-tim\, adv 1 archaic : in the past : FORMERLY 2 archaic : once in a while : OCCASIONALLY 3 : at some time in the future (I'll do it ~) 4 : at some not specified or definite known point of time (~ last night)

sometime adj : having been formerly : FORMER, LATE

sometimes \sôm'ə-timz\ also **Uram**\, adv : at times t now and then : OCCASIONALLY

sometimes adj, archaic : FORMER

someway \sôm'ə-wäy\, also **someways** \sôm'ə-wäz\, adv : SOMEHOW

somewhat \sôm'ə-wët\, -(ə)wët, Chanc\, pron : SOMETIMES

somewhat adv : in some degree or measure : SLIGHTLY

somewhen \sôm'ə-wëñ\, adv : somewhere

somewhere \sôm'ə-wëñ\, -(ə)wëñ\, adv 1 : in, at, from, or to a place unknown or unspecified (makes reference to it ~) 2 : to a place symbolizing positive accomplishment or progress (at last we're getting ~) 3 : in the vicinity of : APPROXIMATELY (~ about nine o'clock)

• about * kitten or further a back I bet I bet, care
 sit out ch chin e less & easy gift I trip I lie
 I joke g sing & flow & flow ol coin o thin oh this
 I look x foot y yet yil few yil furious un-vision